

HEALTH, GARBAGE, AND SANITATION– CHAPTER 7

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CHAPTER 7 - HEALTH, GARBAGE, AND SANITATION

Section 7-001. ESTABLISHMENT OF BOARD. There is hereby established a board of health for the City of Brooklyn Center consisting of six members. Five members shall consist of the members of the city council. One member shall be a physician, licensed to practice in the State of Minnesota, who shall be appointed by the city manager and who shall serve as the city health officer and executive office of the board of health. The health officer shall be appointed annually on or before the first day of January.

Section 7-002. DUTIES OF THE BOARD.

- A. The duties of the board of health and the health officer shall be as defined in the statutes of the State of Minnesota and the regulations of the state board of health.
- B. The board of health shall serve in an advisory capacity to the health officer and city manager in making recommendations concerning the general public health program within the City. The board shall have no authority to incur any obligations, or make any expenditures without the approval of the city council.
- C. The board of health, the health officer, or their duly authorized representatives, shall have and shall exercise all powers to make such investigations and reports and to obey such directions concerning communicable diseases as the state board of health may require or give; and under the general supervision of the state board of health, shall cause all statutes of the State of Minnesota, regulations of the state board of health, and ordinances of the City of Brooklyn Center, relating to public health, to be obeyed and enforced.

Although it shall be the duty of the board of health and the health officer to see that all statutes of the State of Minnesota, regulations of the state board of health, and ordinances of the City of Brooklyn Center are obeyed and enforced, the actual enforcement of these laws, regulations and ordinances shall be the duty and responsibility of the city manager or his duly authorized representative, except as specifically forbidden by State statute.

Section 7-003. MEETINGS OF THE BOARD. The board of health shall meet at such times as it may deem necessary. The majority of the members shall constitute a quorum. The health officer shall act as the executive officer of the board. The board shall make such regulations as they deem necessary for their meetings and for the conduct of their business.

Section 7-004. ADMINISTRATION. The city manager, or his duly authorized representative, shall make such investigations and reports, and obey such directions concerning communicable diseases as the board of health may require or give; and, under the general supervision of the board of health, they shall cause all statutes of the State of Minnesota, regulations of the state board of health, ordinances of the City of Brooklyn Center relating to public health, and all lawful orders of the city council to be obeyed and enforced.

The city public health sanitarian, for the purposes of this ordinance and other ordinances pertaining to public health or environmental sanitation, shall be an authorized representative of the board of health, health officer, and the city manager. The city public health sanitarian shall be suitably trained and experienced in environmental and public health. In addition to his duties in administering the environmental health program, the city public health sanitarian shall coordinate all public health activities for the City.

Section 7-005. RIGHT OF ENTRY. For the purposes of performing their official duties all members, officers, and employees of the board of health, the health officer, the city manager and their duly authorized representatives shall have the right to enter any building, conveyance, or place where contagion, infection, filth, nuisance, or source of cause of preventable disease exists or is reasonably suspected.

Section 7-101. DEFINITIONS. For purposes of Sections 7-101 to 7-112, the following terms have the meanings given them:

Subdivision 1. Approved means acceptable to the health authority following the health authority's determination as to compliance with established public health practices and standards.

Subdivision 2. Carryout Collection Service means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.

Subdivision 3. Council means the governing body of the City.

Subdivision 4. Dwelling Unit means a residential structure in the City that is designated by the recycling authority to receive recycling collection services.

Subdivision 5. Garbage means all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials, but not including recyclable materials.

Subdivision 6. Generator has the meaning given it in Minnesota Statutes Section 115A.03, subdivision 12.

Subdivision 7. Health Authority means the city public health sanitarian or an authorized representative.

Subdivision 8. Manager means the administrative head for the City.

Subdivision 9. Mixed Municipal Solid Waste has the meaning given it in Minnesota Statutes Section 115A.03, subdivision 21.

Subdivision 10. Open Burning means the burning of any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

Subdivision 11. Owner means any person, who alone, jointly, or severally with others owns or has charge, care or control of any premises or business within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

Subdivision 12. Person means any individual, firm, partnership, association, corporation, company, or organization of any kind.

Subdivision 13. Premises means any dwelling, house, building, or other structure or parcel of property.

Subdivision 14. Public Place means any and all streets, sidewalks, boulevards, alleys, parks, public buildings, and other public ways.

Subdivision 15. Recyclable Materials has the meaning given it in Minnesota Statutes Section 115A.03, subdivision 25a.

Subdivision 16. Recycling has the meaning given it in Minnesota Statutes Section 115A.03, subdivision 25b.

Subdivision 17. Recycling Authority means the official designated by the manager to perform the powers and duties of the recycling authority as provided in this chapter. The recycling authority may be the administrator of the Hennepin Recycling Group joint powers entity of which the City is a member.

Subdivision 18. Recycling Container means a receptacle designated by the recycling authority for the accumulation and collection of recyclable materials at a dwelling unit.

Subdivision 19. Recycling Collection Services means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit that is designated by the recycling authority for regular collection.

Subdivision 20. Recycling Services means recycling collection services, carryout collection services, and any other services provided to a dwelling unit in accordance with this chapter.

Subdivision 21. Refuse means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing in or handling meat, fowl, fruit, grain, or vegetables; offal, animal excreta, or the carcass of animals; brick, plaster, wood, metal or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk, or other such substance which may become a nuisance, but not including recyclable materials.

Subdivision 22. Rubbish is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, pasteboard, grass, rags, straw, boots, shoes, hats, and all other combustibles not included under the term garbage, but not including recyclable materials.

Subdivision 23. Swill includes that particular garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable or other matter wasted from clubs, hotels, hospitals, restaurants, and public eating places.

Subdivision 24. Vehicle is every device in, upon, or by which any person or property is or may be transported or drawn upon a thoroughfare including devices used exclusively upon stationary rails or tracks.

Subdivision 25. Waste Matter is nonputrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal, and other noncombustible material which has been or is to be discarded, but not including recyclable materials.

Subdivision 26. Yard Waste has the meaning given it in Minnesota Statutes, Section 115A.931.

Section 7-102. REFUSE STORAGE AND DISPOSAL.

Subdivision 1. Containers Required. The owner of any premises, and any other person having refuse as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each container must be watertight, must have a tight fitting lid, must be impervious to insects, rodents, vermin, and absorption of moisture and may not exceed 30 gallons in capacity or 95 gallons in capacity in the case of roll-cart automated containers or have ragged or sharp edges or any other defect liable to hamper the person collecting the contents thereof.

All refuse on any premises must be stored in required containers unless it is immediately consumed or disposed of on the premises in an approved incinerator.

All commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week, and all six-family and larger dwellings, must provide approved bulk or box type refuse storage containers or approved equivalent. The containers must be located so as to be accessible to collection equipment and so as not to require an intermediate transfer.

Subdivision 2. Sanitary Disposal. All refuse must be disposed of in a sanitary manner as approved by the health authority and may not constitute a nuisance. Refuse may not be composted or buried except that composting in an approved rodent and fly proof device and/or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.

Subdivision 3. Frequency and Manner of Collection. The contents of the containers must be collected once every week, or more frequently if necessary or required by the provisions of any other ordinance of the City, by a collector licensed under this Chapter. The collector must transfer the contents of the containers to the collection vehicle without spilling them, and if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in a manner as to not create a nuisance. Collection in residential zones must be between the hours of 6:30 a.m. and 8:30 p.m. Upon each collection the containers must be completely emptied and returned to the racks or stands where they are kept, and the lids of the containers must be replaced.

Subdivision 4. Placing of Containers. Containers must be placed behind the front setback of the residence or placed in a garage located on the premises, except as may be reasonable and immediately necessary for collection. In no event may containers be placed or maintained in a way that unreasonably interferes with the use of adjoining property. Containers kept outside must be placed in a manner that does not permit entry of or harborage for animals, insects or other vermin, or permit the container to be tipped over. Containers must be maintained in a reasonable clean condition at all times.

Subdivision 5. Defective Containers. If, upon inspection by the health authority, a container is found to be in poor repair, corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet other requirements of this ordinance, the health authority may require the container to be repaired or replaced by notifying the provider or user of the container of the deficiency and stating a compliance date in the notice. If the deficiency is not corrected by the compliance date, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subdivision 6. Preparation of Yard Wastes. Yard wastes must be bagged separately from other garbage, refuse, and waste matter and must be placed 3 to 6 feet from garbage and other refuse on collection day.

Section 7-103. REFUSE HAULERS REGULATIONS.

Subdivision 1. License Required. No person may haul or convey refuse from any premises in the City, other than the person's own domicile, unless the person holds a valid license. A license is required for each vehicle used to haul or convey refuse.

Subdivision 2. License Procedure. The provisions of Sections 23-001 through 23-013 of the City Ordinances apply to all licenses required by this ordinance and to the holders of the license. The city council may establish the annual license fee from time to time by resolution. The term of each license hereunder is from July 1 through June 30.

The applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority may require. Applicants for licenses to provide routine weekly collection and removal of refuse from residences must provide complete collection of all refuse which normally results from day-to-day use of residential property except furnishings, appliances, building or construction wastes and similar bulky wastes for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application.

Applications for license must be submitted to the health authority for review and recommendation. If the council is satisfied that the public need, convenience, and good order will be served thereby, it may grant a license to any applicant meeting the requirements of this ordinance.

Subdivision 3. License Classification. Licenses are issued for the following classes of operation:

Class I

Residential Refuse Collection Vehicle

Class II

Commercial and Business Refuse Collection Vehicle

Class III

Residential and Commercial Refuse Collection Vehicle

Class IV

Rubbish and Waste Matter Collection Vehicle

Class V

Rendering Collection Vehicle

Subdivision 4. Insurance. Applicants for licenses or renewals of licenses must maintain the following minimum insurance:

1. Commercial Automobile Liability Insurance Covering All Owned, Hired, and Nonowned Automobiles - Limits of Liability
 - a. Combined Single Limits - \$500,000 each occurrence; or
 - b. Bodily Injury - \$100,000 each person, \$500,000 each occurrence; and
 - c. Property Damage - \$50,000 each occurrence

In the event applicants for licenses use refuse collection bins furnished for their clients, then the following additional coverage is necessary:

1. Commercial Liability Insurance Covering All Operations and Completed Operations - Limits of Liability
 - a. Combined Single Limits - \$500,000 each occurrence, \$500,000 aggregate; or
 - b. Bodily Injury - \$100,000 each person; and
 - c. Property Damage - \$500,000 each occurrence

Coverage is to be provided by an Insurance Carrier who holds a Certificate of Authorization (licensed) with the State of Minnesota.

Evidence of such insurance shall be in the form of a Certificate of Insurance, ACORD form, or similarly approved form. The Certificate shall require that the City be furnished thirty (30) days prior written notice of any cancellation, nonrenewal, or major revision. Such Certificate shall be in the hands of the City Clerk prior to any issuance of license.

It is expressly understood that this insurance and these limits are for the City's requirements only and do not represent the complete coverage the licensee should carry.

Subdivision 5. Vehicle License Decals. Whenever a license or renewal has been granted the health authority must furnish to the licensee a decalcomania for each vehicle. The decalcomania must indicate that the vehicle is licensed by the City. The licensee must apply the decalcomania to the left forward side of the body of the appropriate licensed vehicle as indicated by the health authority. Old, expired, or otherwise invalid decalcomania must be removed from the vehicle.

Subdivision 6. Vehicle Specifications. Every vehicle used to collect refuse must have the name of the owner or operator on the body or placed on a durable metal or wood plaque attached to the body. The lettering must be at least three inches in height and the color of the lettering and of the background must be contrasting. The body of every vehicle licensed must be constructed entirely of metal or the space in the vehicle in which refuse is kept must be completely lined with metal. All joints must be effectively closed so that no dripping or leaking or drain off of water, liquids, or any substance can occur. The loading space must be provided with a tight metal hood having an opening fitted with metal doors, or must be provided with a heavy tarpaulin or equivalent cover fitted with eyes, grommets, tie ropes, or hooks so that the cover can be held securely over the loaded refuse. Every vehicle must be equipped with the necessary hand tools for cleaning up spills.

Subdivision 7. Vehicle Maintenance. Every licensed vehicle must be kept well painted, clean, and in good repair. Every vehicle used for collecting garbage or swill must be cleaned every week or oftener as necessary to prevent persistent odors and must be cleaned before being used for any other purposes.

Subdivision 8. Vehicle Loading. Garbage, refuse, rubbish, or other waste matter must be so loaded that none of such materials can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials must be so secured that they cannot be displaced by the wind or fall out of the vehicle. Containers used to carry refuse in or on any vehicle must comply with the requirements of Section 7-102 of this Code.

Subdivision 9. Service Cancellation. The collector must cancel service to any premises when the only container or containers thereon have been condemned and may cancel service for cause or when the party charged for the collection service is two months or more overdue in paying for such services. When any collector cancels service to any premises, written notice must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.

Subdivision 10. Vehicle Storage and Parking. No person may at any time park or store any refuse collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred feet of the premises or within two hundred feet of any food establishment, for purpose other than, or for periods inconsistent with, providing refuse collection at the premises. No person may at any time park or store any loaded or partially loaded refuse collection vehicle on any premises within the City, except for the purpose of and for periods consistent with providing refuse collection at that parcel of property.

Subdivision 11. Collection Districts. The City, under the direction of the city manager or his designee, shall establish specific refuse and recycling collection districts and specific days of collection within these districts for all licensees. The purpose of this provision is to coordinate and facilitate same day collection within said districts throughout the City.

Said coordination is necessary to encourage citizen participation in the City's recycling effort, to insure compliance with state mandates for solid waste management as set forth in Minnesota Statutes Chapter 115A and to insure compliance of the City's contractual obligations as a member of the Hennepin Recycling Group pursuant to the Joint and Cooperative Agreement for Solid Waste Disposal. Also, said coordination will be beneficial to the health, safety, and welfare of Brooklyn Center residents and streets by limiting the number of refuse and recycling vehicles using said streets at any one time. The following considerations will be utilized by the city manager or his designee to establish the collection districts:

- a. household counts within the districts;
- b. compatibility with the licensees existing refuse collection stops to the extent possible;
- c. compatibility with municipal boundaries to the extent possible;
- d. coordination with recycling collection to the extent possible.

Subdivision 12. Collection within Districts. Where an approved collection district has been established, licensed refuse haulers must establish their regular collection routes and days of collection in a manner consistent with the approved collection district and specified days of collection. Violation of this subsection is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day, if the collection is for a missed pick up or is in a week in which a legal holiday occurs.

Subdivision 13. Yard Waste Collection. A licensed refuse collector providing residential refuse collection service must separately collect and dispose of yard waste.

Within 15 days after notification from the City, a licensed refuse collector providing residential refuse collection service must give the city manager a detailed description of:

- a. the manner by which the collector intends to separately collect and dispose of yard waste;
- b. the manner by which the collector intends to account for the amount of yard waste collected; and
- c. the method by which the collector will inform its customers of the yard waste collection program.

The collector must take the yard waste to a disposal site or transfer site, approved by the city manager for subsequent composting, landspreading, or both.

The licensed collector must keep accurate accounting of the amount of yard waste collected and must, within 30 days of the end of each calendar year, submit a written report to the city manager detailing the amount of yard waste collected and disposed of for composting or landspreading during the year.

Section 7-104. REFUSE LITTERING PROHIBITED. No person may throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited any refuse, handbills, or other littering materials upon or in any public or private lands, bodies of water, vehicles or structures within the City. Every person must maintain his or her premises and abutting sidewalks and boulevard areas free of refuse litter.

Section 7-105. NUISANCE ABATEMENT.

Subdivision 1. Any accumulation of refuse on any premises not stored in containers which comply with this ordinance, or any accumulation of refuse on any premises for more than one week is hereby declared to be a nuisance. A nuisance may be abated by order of the officer charged by the city manager with enforcement of this section, and the costs of abatement may be assessed against the property on which the nuisance was found as provided in this section:

Subdivision 2. In all cases to which Minnesota Statutes, Sections 145A.04 and 145A.08 apply, the City will proceed under those sections.

Subdivision 3. In all other cases, the officer charged with enforcement must notify the owner of the property on which the nuisance is found in writing, specifying the nature of the nuisance and ordering that the nuisance be abated. Notice must be served in person or by mail. If the owner is unknown or cannot be located, notice may be served by posting it on the property. The notice must specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance must be abated. If the owner does not comply with the notice and order of the enforcement officer within the time specified, the city council may, after notice to the owner and the occupant of the property if different from the owner, and an opportunity to be heard, order that the nuisance be abated by the City. The notice of hearing must be served in the same manner as the notice and order of the enforcement officer and must be given at least ten (10) days before the date specified for hearing of the matter by the city council. If notice is given by posting, at least thirty (30) days must elapse between the date of posting and the hearing. In an emergency circumstance where there is an immediate threat to the public health or safety or an immediate threat of serious property damage, the enforcing officer may provide for abating the nuisance without action of the city council. In such a case, the enforcing officer must reasonably attempt to notify the owner and occupant of the intended action and the right to appeal the determination that a nuisance exists and the order to abate the nuisance at the next regularly scheduled city council meeting. The city clerk must prepare and mail a bill to the property owner for the amount of the costs incurred by the City in abating a nuisance, including administrative and other related expenses. The bill is due and payable upon receipt. In the event bill is not paid by the September 1 next following the abatement of the nuisance, the costs of abatement may be levied against the property pursuant to Minnesota Statutes, Chapter 429.

Section 7-106. MINNESOTA POLLUTION CONTROL AGENCY REGULATIONS ADOPTED.

Subdivision 1. Regulation Adopted. Subject to specific modifications and additions contained herein, the City hereby adopts by reference Air Pollution Control Regulations Nos. 7 (Incinerators) and 8 (Open Burning Restrictions) contained in the Minnesota Pollution Control Agency document entitled "Ambient Air Quality Standards and Air Pollution Control Regulations", adopted May 11, 1969; filed with the Secretary of State July 3, 1969, and filed with the State Department of Administration July 7, 1969, including all subsequent amendments thereto.

Three copies of such regulations will be on file and available for inspection in the office of the clerk. These regulations do not apply to wood burning fireplaces, nor to fires used solely for preparation of food by barbecuing.

Subdivision 2. Modifications to APC Regulations. It is hereby determined, effective July 1, 1970, that adequate refuse collection service is available to the City. Open burning is prohibited after that date. Effective January 1, 1971, no device or container for open burning may be maintained on any premises. Exceptions to APC Regulation No. 8 require written approval of the municipal fire chief.

All incinerators of less than 2,000 lbs./hr. capacity must comply with the provisions of APC Regulation No. 7 on or before January 1, 1971.

Section 7-107. RECYCLING AUTHORITY; POWERS. The recycling authority is responsible for supervising and controlling the collection, removal, and disposal of recyclable materials from all dwelling units in the City. The recycling authority may contract with one or more collectors or haulers for the collection, removal and disposal of some or all types of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this chapter as necessary for the collection, removal, and disposal of recyclable materials, including but not limited to rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the council.

Section 7-108. RECYCLING RATES; BILLINGS.

Subdivision 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subdivision 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services. The rates for carryout collection services are payable by the owner or occupant of a dwelling unit who requests to receive the service according to the procedure established by the recycling authority.

The amounts payable for recycling services will be shown as a separate charge on the utility bill for the dwelling unit and will be payable according to the same terms as those provided in this Code for utility bills.

Section 7-109. ASSESSMENT OF UNPAID BILLS. On or before September 1 of each year, the city clerk must list the total unpaid charges for recycling services against each lot or parcel to which they are attributable. The city council may then spread the charges against the property benefited as a special assessment in the same manner as provided for current services by Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the Director of Property Taxation of Hennepin County and collection the following year along with the current taxes.

Section 7-110. OWNERSHIP OF RECYCLABLE MATERIALS; SCAVENGING PROHIBITED.

Subdivision 1. Ownership. Recyclable materials are the property of the generator until collected by authorized City employees, collectors or haulers. Recyclable materials become the property of the City, authorized collector, or authorized hauler upon collection.

Subdivision 2. No Scavenging. It is unlawful for a person, other than authorized employees of the City, or authorized collectors or haulers to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection.

Section 7-111. SEPARABILITY. If any section, subsection, group, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional, such portions shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7-112. PENALTY. Any person violating any of the provisions of this ordinance is guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a period of not exceeding 90 days or both, together with the costs of prosecution. Each day that a violation exists constitutes a separate offense.

Section 7-113. MULTIFAMILY DWELLINGS.

Subdivision 1. Recycling Services. Owners of multifamily dwellings containing more than eight dwelling units must provide recycling collection services to all residents of the dwelling. Recyclable materials must be collected at least once per month.

Subdivision 2. Definitions. For purposes of this section, the term "multifamily dwelling" has the meaning given in the Brooklyn Center Zoning Ordinance. The term "recyclable materials" has the meaning given by Minnesota Statutes, Section 115A.03, subdivision 25a.

Subdivision 3. Recycling; Notice. Owners of multifamily dwellings must provide notice to all new tenants of the opportunity to dispose of recyclable materials as well as the location of the disposal site.

Subdivision 4. Recycling; Preparation. Owners of multifamily dwellings must provide information to all new tenants related to the proper preparation of recyclable materials for collection.

Subdivision 5. Recycling Containers. Owners of multifamily dwellings must insure that stolen or broken containers for recyclable materials are replaced within a reasonable time.

Subdivision 6. Landfilling Prohibited. It is unlawful for an owner of a multifamily dwelling or an agent or contractor of an owner to transport for disposal or to dispose of recyclable materials in a solid waste disposal facility or to contract for such transportation or disposal.

Subdivision 7. Penalties. Violation of subdivisions 1, 3, 4, or 5 of this section is punishable as a petty misdemeanor. Upon a third or subsequent violation of subdivisions 1, 3, 4, or 5 by the same owner, the violation is punishable as a misdemeanor. Violation of subdivision 6 of this section is punishable as a misdemeanor.

CONNECTION OF DRAIN PIPES AND THE SEWER SYSTEM

Section 7-401. AUTHORITY NECESSARY TO CONNECT DRAIN TO SEWER SYSTEM. It shall be unlawful to connect any pipe or pipes or make any other connection whatsoever by any person, partnership, or corporation, to a drain pipe or storm pipe without receiving from the city council an application for connection. The form of such application shall be as follows:

APPLICATION FOR CONNECTION

I _____ hereby apply for a permit to
(*construct extend) a pipe to a drain at the following address
_____ which premises are owned
by _____ and occupied by the following building or at
the following point _____ in accordance with the plans
deposited this day with the city clerk. If the application is granted, I hereby agree to
(*construct extend connect) to the said drain of material and in a manner satisfactory to
the council and agree to keep the same open for inspection by the city council.

It is understood that the granting of the application does not permit any connection to be made with the drain or storm drain. Such connection can be made only after the granting of a permit.

*Cross out inapplicable words.

Section 7-402. VIOLATION AND PENALTY. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

CLEANING OF SEPTIC TANKS AND CESSPOOLS

Section 7-501. LICENSE REQUIRED. No person, firm or corporation shall hereafter engage in the business of cleaning or pumping cesspools or septic tanks within the City of Brooklyn Center unless they shall be licensed by the City Council which license shall be granted to any applicant therefor on compliance with the following:

- A. The applicant shall pay a license fee as set forth by city council resolution, and licenses shall run from May 1 to April 30 of the following year.
- B. The applicant shall file a bond in the amount of one thousand dollars (\$1,000) with the city clerk conditioned upon observance and compliance with all of the ordinances of the City of Brooklyn Center governing the cleaning and pumping of septic tanks and cesspools.
- C. The applicant shall demonstrate that he has sufficient knowledge and experience to properly perform the functions of a scavenger.
- D. The applicant shall demonstrate that he has adequate equipment to perform the foregoing.

Section 7-502. PERMIT REQUIRED. Before commencing and cleaning or pumping operations of any cesspool or septic tank within the City of Brooklyn Center, a permit shall first be obtained from the City offices. A permit fee, as set forth by city council resolution, shall be paid, and the permit shall state the premises at which the septic tank or cesspool is located and the estimated gallonage required to be discharged from said cleaning or pumping operations. The permit holder shall thereupon be authorized to discharge the contents from the pumping operations at a designated place lying within the City of Minneapolis.

Section 7-503. EQUIPMENT REQUIRED. Every person engaged in scavenger operations in accordance with the foregoing shall provide sealed tanks for the transportation of any waste matter through the City of Brooklyn Center and shall also provide with said equipment a discharge hose which can be dropped into the discharge manhole.

Section 7-504. VIOLATIONS AND PENALTIES. Any violation of any of the foregoing provisions by any person, firm or corporation shall be a misdemeanor and may be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Any person who shall, in the course of carrying out any of the operations regulated in this ordinance, commit a private or public nuisance shall also be guilty of a misdemeanor and subject to the same penalties as set forth above.

PREMISES CONDUCTIVE TO HIGH-RISK SEXUAL CONDUCT

Section 7-600. FINDINGS AND PURPOSE. The City Council of the City of Brooklyn Center makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health:

- A. The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.
- B. The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings, and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.
- C. Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high risk sexual conduct.
- D. Certain commercial premises, buildings, and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct and hence the spread of communicable disease, and that the risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings, and structures.
- E. The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing commercial premises, buildings, and structures conducive to high-risk sexual conduct.
- F. The purpose of this section is to prescribe regulations governing commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings, and structures.

Section 7-601. DEFINITIONS. The following terms have the meanings given them below:

- A. "Booths, stalls, or partitioned portions of a room or individual room" means (i) enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or (ii) enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee, but does not include enclosures that are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.
- B. "Doors, curtains or portal partitions" means full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.
- C. "Hazardous site" means any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.
- D. "High-risk sexual conduct" means (i) fellatio; (ii) anal intercourse; or (iii) vaginal intercourse with persons who engage in sexual acts in exchange for money.
- E. "Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" means either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
- F. "Public health official" means an agent or employee of the City, county or state charged with the enforcement of the state or local health laws.

Section 7-602. PUBLIC HEALTH REGULATIONS.

- A. A commercial building, structure, premises or part thereof, or facilities therein may not be constructed, used, designed or operated in the city for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

- B. It is unlawful to own, operate, manage, rent, lease, or exercise control of a commercial building, structure, premises, or portion or part thereof in the City, that contains:
1. Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.
 2. "Booths, stalls, or partitioned portions of a room or individual room" as defined herein which have "doors, curtains or portal partitions" as defined herein unless the booths, stalls or partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls or partitioned portions of a room or individual room that are so open to an adjacent public room must be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

Section 7-603. EXCEPTIONS. The regulations set forth in this section do not apply to premises, buildings, or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes, or boarding houses which are subject to other general health and sanitation requirements under state and local law.

Section 7-604. HEALTH ENFORCEMENT POWERS.

- A. In exercising powers conferred by this or any other section of this code relating to communicable diseases, the Public Health Official is to be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious diseases.
- B. In order to ascertain the source of infection and reduce its spread, the Public Health Official, and persons under the Public Health Official's direction and control, may inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site as defined herein exists, the Public Health Official will declare it to be a public health hazard and public health nuisance and will:
1. Notify the manager, owner, or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein,

2. Issue two written warnings at least ten days apart to the manager, owner, or tenant of the premises stating the specific reasons for the Public Health Official's opinion that the premises, building, or structure is a hazardous site as defined herein,
3. Once such notices and warnings have been issued, the Public Health Official must proceed as follows:
 - a) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the Public Health Official's determination, the manager, owner or tenant will have ten days from the date of the last warning to request a hearing before the Public Health Official or the Public Health Official's appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within ten days of the date of the last warning notice, the Public Health Official will then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official will cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.
 - b) If the manager, owner, or tenant of the premises requests a hearing, the hearing will be held before the Public Health Official or the Public Health Official's appointee at a date not more than 30 days after demand for a hearing. After considering all evidence, the Public Health Official or the Public Health Official's appointee will make a determination as to whether the premises constitute a hazardous site, as defined herein and issue a decision based upon all hearing evidence presented. If the Public Health Official or the Public Health Official's appointee makes a determination that the premises constitute a hazardous site, the Public Health Official will then issue orders to the manager, owner, or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.
 - c) If, within 30 days after issuance of the orders to the manager, owner, or tenant of the hazardous site, the Public Health Official determines that such corrective measures have not been undertaken, the Public Health Official (I) may order the abatement of the hazardous site as a public nuisance, which may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction, or (ii) may secure a court order for the closure of the premises constituting the hazardous site until the premises, building, or structure is in compliance with all provisions of this code.

Section 7-605. CRIMINAL PENALTIES. A person violating any provision of this section or any person who removes, destroys or defaces warnings posted on premises by the Public Health Official pursuant to this chapter shall be guilty of a misdemeanor.